IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.3406 of 2007

Date of Decision: September 25, 2007

Harmohinder Singh .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Ashwani Prashar, Advocate for the petitioner.

Mr.Piyush Kant Jain, Additional AG Punjab for respondent No.1.

Mr.IS Saggu, Advocate for respondents No.2 and 3.

S. D. ANAND, J.

1. The challenge, in the present revision petition filed on the authority of provisions of Section 227 of the Constitution of India, is to the show cause notice dated 4.7.2007 (Annexure P3) vide which the petitioner has been called upon to clarify certain violation of the bank by-laws and provisions of the Punjab Co-operative Societies Act, 1961 which entail ceasure of the Directorship of the Bank.

2. While conceding that the present revision petition may not exactly be maintainable, the learned counsel for the petitioner argues that he

would be content if the orders similar to those passed by two Division Benches of this Court in Civil Writ Petition Nos.6827 of 1994 and 4826 of 2006 are granted in favour of the petitioner. Those orders are re-produced as under for facility of reference:

> "If any adverse orders are made against the petitioner, the same may not be executed until the expiry of 15 days from the date of service of such orders on the petitioners."

3. The plea advocated on behalf of the petitioner is not sustainable. Those orders came to be granted by this Court in exercise of the extra-ordinary writ jurisdiction. The present cause in this revision petition is directed against the impugned show cause notice. It is, thus, not possible to grant the orders on the lines granted by the two Division Benches of this Court.

4. Mr.Ashwani Prashar, learned counsel for the petitioner, then argued that the petitioner being a sitting MLA owing allegiance to the Congress party, does not expect disposal of the impugned show cause notice by the concerned public servant in accordance with law because the State of Punjab is at present under a coalition of two parties who are opposed to Congress party.

5. There is no material whatsoever on the record on the basis whereof it could be said that there are any reasons for the petitioner to entertain the indicated apprehension. The presumption is that all official acts would be done in accordance with law. Further, in the absence of impleadment of the relevant persons against whom the learned counsel sought to level allegations of malafides, those averments cannot be gone into. None can be condemned unheard.

6. In the light of foregoing discussion, the present revision petition is held to be incompetent and shall stand dismissed accordingly.

(S. D. ANAND)
JUDGE

September 25, 2007
SRM

Note: Whether referred to reporter or not? Yes/No